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2
3 Nathan Buttars * (UT-13659)
4 Jonathan Peck * (UT-14747)
5 *Admitted Pro Hac Vice
6 LOWE LAW GROUP
7 6028 S. Ridgeline Drive
8 Suite 200
9 Ogden, UT 84405
10 T: 801-917-8500
11 F: 801-917-8484
12 nate@lowelawgroup.com
13 jonathan@lowelawgroup.com
14 Attorneys for Plaintiffs

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 IN RE BARD IVC FILTERS
14 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

15 Elizabeth Leyva, an individual,
16 Plaintiff,

Civil Action No.: 2:16-cv-01758-PHX-DGC

17 v.

**NOTICE OF FILING AMENDED
COMPLAINT**

18 C.R. Bard, Inc., a corporation, and Bard
19 Peripheral Vascular, Inc., an Arizona
20 corporation,

21 Defendants.
22

23 Pursuant to Local Rule of Civil Procedure 15.1(b), Plaintiff Elizabeth Leyva
24 respectfully submits this Notice of Filing First Amended Complaint. Attached as Exhibit
25 A is a copy of the amended complaint that indicates in what respect it differs from the
26
27
28

1 original complaint. The Defendants do not oppose Plaintiff's filing of this Notice or the
2 First Amended Complaint.

3
4 RESPECTFULLY SUBMITTED this 13th day of July, 2016.

5
6 LOWE LAW GROUP

7
8 By /s/ Jonathan Peck

9 Nathan Buttars

10 Jonathan Peck

6028 S. Ridgeline Drive, Suite 200

11 Ogden, UT 84405

Attorneys for Plaintiff(s)

12
13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on this 13th day of July, 2016, I electronically transmitted the
15 attached document to the Clerk's Office using the CM/ECF System for filing and
16 transmittal of a Notice of Electronic Filing.
17

18
19 /s/ Jonathan Peck

20 Jonathan Peck

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EXHIBIT A

Nathan Butters * (UT-13659)
Jonathan Peck * (UT-14747)
*Admitted Pro Hac Vice
Lowe Law Group
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Ogden, UT 84405
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F: 801-917-8484
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**FIRST AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff:

Elizabeth Leyva

2. Spousal Plaintiff or other party making loss of consortium claim:

Juan Leyva

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

1 4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
2 implant:

3 California

4 5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
5 injury:

6 California

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 Oregon and Mexico

9 7. District Court and Division in which venue would be proper absent direct
10 filing:

11 Southern District of California

12 8. Defendants (check Defendants against whom Complaint is made):

13 ☒ C.R. Bard Inc.

14 ☒ Bard Peripheral Vascular, Inc.

15 9. Basis of Jurisdiction:

16 ☒ Diversity of Citizenship

17 ☐ Other: _____

18 a. Other allegations of jurisdiction and venue not expressed in Master
19 Complaint:

20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
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27 _____
28 _____

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
☒ G2[®] Vena Cava Filter
☐ G2[®] Express Vena Cava Filter
☐ G2[®] X Vena Cava Filter
☐ Eclipse[®] Vena Cava Filter
☐ Meridian[®] Vena Cava Filter
☐ Denali[®] Vena Cava Filter
☐ Other: _____

11. Date of Implantation as to each product:

June 14, 2006

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
☒ Count III: Strict Products Liability – Design Defect
☒ Count IV: Negligence - Design
☒ Count V: Negligence - Manufacture
☒ Count VI: Negligence – Failure to Recall/Retrofit
☒ Count VII: Negligence – Failure to Warn
☒ Count VIII: Negligent Misrepresentation

- 1 X Count IX: Negligence *Per Se*
- 2 X Count X: Breach of Express Warranty
- 3 X Count XI: Breach of Implied Warranty
- 4 X Count XII: Fraudulent Misrepresentation
- 5 X Count XIII: Fraudulent Concealment
- 6 X Count XIV: Violations of Applicable ~~Louisiana~~ **California** Law
- 7 Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 8 Practices
- 9 X Count XV: Loss of Consortium
- 10 □ Count XVI: Wrongful Death
- 11 □ Count XVII: Survival
- 12 X Punitive Damages
- 13 □ Other(s):_____ (please state the facts supporting
- 14 this Count in the space immediately below)
- 15
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24 13. Jury Trial demanded for all issues so triable?

- 25 X Yes
- 26 — No
- 27
- 28

1 RESPECTFULLY SUBMITTED this 26th 13th day of May July, 2016.

2 **LOWE LAW GROUP**

3 By: /s/ Jonathan Peck
4 Nathan Buttars (UT 13659)
5 Jonathan Peck (UT 14747)
6 (Admitted Pro Hac Vice)
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17 attached document to the Clerk's Office using the CM/ECF System for filing and
18 transmittal of a Notice of Electronic Filing.

19 /s/ Jonathan Peck